

## REMARKS

Claims 1-62 are cancelled. Claims 39-55 and 57-62 stand rejected. Claims 63-71 are newly added.

Applicant believes the new claims do not add new matter. Applicant directs the Examiner to claims 1-4 of amendment H filed in response to the Office Action of December 15, 2008 and are at least supported with respect to Fig. 3 and the associated description of Fig. 3.

### **Claim Rejections – 35 U.S.C. § 112**

Claim 8 is cancelled. Thus, the rejection is believed overcome thereby.

### **Claim Rejections – 35 U.S.C. § 103**

Claims 39-55 and 57-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suda (U.S. 2004/0123059) in view of Moro (U.S. 2004/0107316). The rejection is respectfully traversed.

Suda teaches a memory card with a number of mechanical switches (16a, 16b), a controller 10 and a first storage area 11a and a second storage area 11b. Switching between the storage areas is performed by a memory card host device 1 (see Figs. 1 and 2, paragraphs 31-36). In a second embodiment, Suda describes two file systems A and B (paragraph 63). The switching in the second embodiment is also performed by the memory card host device (paragraph 65).

Moro is relied upon to teach a memory card with partitions using different file systems (fig. 1 and paragraph 28). In Fig. 1 of Moro, the switching between the partitions appears to be controlled by capacity switching-type memory card host device 12 which is separate from the capacity switching-type memory card 32.

The claims as amended describe, such as recited in claim 63, “(c) determining, based on the volume information, whether the non-volatile data storage has a first configuration having a multiple volume address space corresponding to a first file format or a second configuration having a single volume address space corresponding to a second file format; **(d) when said determining (c) determines that the memory card has the second configuration,** communicating to the host device via the host controller that i) the single volume is used and ii) the second file format of the single volume and **(e) when said determining (c) determines that the memory card is not in the second configuration,** i) determining a switch position for the switch, ii) determining an address offset based upon the switch position wherein the address offset enables the memory card to provide more data storage capacity

than available with a file system using 16-bit addressing.” Suda and Moro are both silent in regards to teaching or suggesting a controller within the memory card or even a host device for the memory card. Further, Suda and Mora do not teach or suggest, **(d) when said determining (c) determines that the memory card has the second configuration, communicating to the host device via the host controller that i) the single volume is used and ii) the second file format of the single volume and (e) when said determining (c) determines that the memory card is not in the second configuration, i) determining a switch position for the switch,**” Suda and Moro do not describe determining a switch position in this manner. Therefore, Suda and Moro, alone or in combination can not be said to render obvious the pending claims and the rejection is believed overcome thereby.

### **Conclusion**

Applicants believe that all pending claims are allowable and respectfully request a Notice of Allowance for this application from the Examiner. As always, the Examiner is cordially invited to telephone the Applicants’ representative to discuss any matters pertaining to this case. Should the Examiner wish to contact the undersigned for any reason, the telephone numbers set out below can be used.

Additionally, if any fees are due in connection with the filing of this Amendment, the Commissioner is authorized to deduct such fees from the undersigned’s Deposit Account No. 504481 (Order No. SDK1P017).

Respectfully submitted,  
BEYER LAW GROUP LLP

/David P. Olynick/  
David P. Olynick  
Reg. No.: 48,615

P.O. Box 1687  
Cupertino, CA 95015-1687  
408-255-8001